

Notice PIH 99-33
Attachment B
As Amended by PIH Notice 99-51 (HA)

**INSTRUCTIONS AND SUPPLEMENTAL GUIDANCE FOR PREPARATION
AND SUBMISSION OF PHA PLANS**

Overview

This guidance is designed to help PHAs prepare PHA Plans that meet the requirements specified in the October 21, 1999 *Public Housing Agency Plans; Final Rule*. The Final Rule is implemented at 24 CFR Part 903, which is referenced in this Technical Guidance. HUD has provided PHAs with an electronic template for the PHA Plans. This guidance provides instructions and supplemental guidance for creating and submitting the PHA Plan using that template.

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1. PHA PLANS PREPARATION, SUBMISSION AND PUBLIC DISPLAY REQUIREMENTS

1.1 Use of the PHA Plans Electronic Template

HUD has developed an electronic template that PHAs must use to prepare and submit their PHA Plans (HUD-50075). When prepared in accordance with the instructions provided in this Notice, the template provides PHAs with a format for their PHA Plans that will meet the requirements of the PHA Plans Interim Rule. Electronic submission of PHA Plans in this format also enhances public access to PHA Plans because it will permit HUD to publish approved PHA Plans on the Internet. PHAs may elect to prepare and make available plans in a different format from that of the PHA Plan template. However, only PHA Plans in the HUD-50075 format are considered to be the PHA Plan specified in the PHA Plan Interim Rule, and must be used for purposes of public display and submission to HUD.

1.2 Instructions for Accessing the PHA Plans Template

The PHA Plans template, certification forms and technical instructions for their use are available from HUD's PHA Plans website found at: www.hud.gov/pih/pha/plans/phaps-home.html. The template is available in several versions of commonly-used word processing software (Microsoft Word, WordPerfect, and Rich Text Format) and as read-only files (PDF). The certifications are available as fillable forms. PHAs that do not have access to the Internet or experience extreme difficulty in accessing the PHA Plans website may contact their local HUD Field Office or Troubled Agency Recovery Center (TARC) to request electronic copies of these files.

1.3 Submission of PHA Plans

Once completed, PHAs will transmit their PHA Plans to HUD via the Internet. Directions for Internet submission are available on the PHA Plans website. These instructions include instructions for naming the PHA Plans and any electronic attachments (also called "naming conventions"). File naming instructions must be followed to ensure successful transmission of the PHA Plans.

If a PHA cannot transmit the Plans electronically through the protocol specified by HUD, it may send an electronic copy of the template file on a floppy disk to HUD. However, this package must be accompanied by a certification that the PHA is unable to transmit the Plan electronically because the PHA does not have access to the Internet at either the PHA or through other locally-available resources (such as a local library or a fee accountant).

The PHA Plan will not be considered ready for review until the following documents have been received at the relevant HUD field office or TARC:

- The electronic PHA Plans, including any attachments (HUD 50075) (whether via the Internet or mailed floppy disk)
- PHA Certifications of Compliance with the PHA Plans and Related Regulations (PHA Plan Certifications)
- State or Local Certification of Consistency with the Consolidated Plan

PHAs must submit hard (paper) copies of signed certification documents to the local HUD office or TARC. PHAs may also send hard copies of attachments that have not been incorporated into the text of the Plan/s in the template.

HUD has issued two versions of the "PHA Certifications of Compliance with the PHA Plans and Related Regulations." The first version, issued in July, 1999 (7/99), has been superseded by the version issued in December, 1999 (12/99). The 12/99 version has been updated to reflect the final rule. Following the date of issuance of Notice PIH 99-51

(HA), PHAs must download and submit the 12/99 version of this certification form with the PHA Plan, except as provided below.

Special case: For the first plans from January PHAs, PHAs that have previously submitted the 7/99 version of the “PHA Certifications of Compliance with the PHA Plans and Related Regulations” form **are not required** to submit the 12/99 version of the certifications **unless** they have included a PHDEP Plan with their PHA Plan. PHAs that have submitted a PHDEP Plan as well as a 7/99 version of the certification must submit the 12/99 version as soon as possible. HUD will initiate its review of the PHA Plan from such PHAs pending submission of the 12/99 version, but will not approve the plan in total until a properly executed 12/99 certification form is received.

1.4 Due Date of Submission; Extension for January 1, 2000 and April 1, 2000 PHAs

As stated in the Final Rule, complete PHA Plans packages must be submitted to HUD 75 days in advance of the PHA fiscal year beginning.

Special Case: HUD has extended the due date for submission of PHA Plans for PHAs with fiscal years beginning on January 1, 2000 (“January PHAs”) and April 1, 2000 (“April PHAs”). The due date for submission of plans for January PHAs is January 31, 2000. January PHAs may submit plans between December 1, 1999 and January 31, 2000 at their option. The due date for submission of plans for April PHAs is February 29, 2000. April PHAs may submit plans between January 15, 2000 and February 29, 2000 at their option. PHA Plans for these PHAs must still address plans, policies and operations in effect for fiscal years beginning January 1, 2000 and April 1, 2000, respectively. This extension will only apply for PHA fiscal year 2000.

1.5 Public Display Requirements for the Plans and Supporting Documents

At a minimum, the PHA Plans (including any attachments) and supporting documents (see “Instructions” must be available for inspection by the public at the principal office of the PHA during normal business hours, both during the public review period prior to the board hearing and submission to HUD and after HUD approval of the PHA Plans.

HUD encourages PHAs to make the PHA Plans available at the principal business office/s of the jurisdiction/s served by the PHA if different from the PHA principal office (or of several of the jurisdictions served by the PHA if the PHA covers a large jurisdiction). PHAs are also encouraged to make the PHA Plans and attachments available at other public locations, such as libraries or community centers

The Department recognizes that some PHAs with fiscal years beginning January 1, 2000 or April 1, 2000 may have substantially completed PHA Plans in conformance with the Interim Rule. PHAs will be considered to have met the requirements for public display of the PHA Plan provided that the PHA meets the following requirements: 1) the PHA has completed the PHA Plan (HUD 50075), made the PHA Plan and all supporting documents required by this Notice available for review and published a notice of their availability as soon as possible, 2) the PHA has distributed the PHA Plan (HUD 50075) to the Resident Advisory Board as soon as possible, and 3) the policies and programs referenced in previously-distributed plans are not materially different than that in the PHA Plan (50075), unless the relevant changes have been adopted to reflect changes to HUD regulatory requirements. PHAs exercising this option should keep documentation that they have met these requirements on file. This option is only available for PHA Plans due for submission to HUD for fiscal years beginning on January 1, 2000, or April 1, 2000.

2. RELATIONSHIP OF PLAN COMPONENTS TO OTHER REGULATIONS

2.1 Applications for FY 2000 Capital and Public Housing Drug Elimination Program Funding

The Interim Rule announced HUD's intent to combine planning requirements for the Capital Fund and Public Housing Drug Elimination Program (PHDEP) formula grant programs into the PHA Plan process in order to streamline submission processes for PHAs. The Interim Rule stated that HUD would notify PHAs when such streamlining was put into effect. This document notifies PHAs that the PHA Plan will serve as the planning document and submission for receipt of Federal Fiscal Year (FFY) 2000 Capital Fund grants. This notice also announces that PHAs may elect, and are encouraged, to submit the "PHDEP Plan" that is required for receipt of FFY 2000 Public Housing Drug Elimination Program grants with their PHA Plan. See the "Instructions for Completing the PHA Plans" in this notice for additional instructions for completing the Capital Fund Annual Statement and the PHDEP Plan.

2.2 Phase-in of New Regulations Implementing the Public Housing Reform Act

HUD will continue to issue regulations implementing the Public Housing Reform Act over the next few months. Because the PHA Plans address a time after which several new provisions of the Public Housing Reform Act will become effective, PHAs are encouraged to tailor their Plans to activities and policies they will offer under the new law. The Instructions for Completing the Plan provide additional guidance for PHAs.

Certain components of the PHA Plan will not be required until related final or interim regulations are issued, and are therefore inactive for the purposes of the PHA Plan. Until guidance to the contrary is issued, the following Plan components are inactive: statements as to how the PHA will comply with the requirements of section 12(c) of the U.S. Housing Act of 1937 (related to community service by public housing residents); statements of the conversion of public housing to tenant-based assistance pursuant to sections 22 (voluntary) and 33 (required) of the U.S. Housing Act of 1937; policies to permit pets in family developments; and inclusion of consortium agreements (where applicable).

Components that are inactive for January 1 PHAs (for either the reasons described above or because they ask PHA to report progress after one year of operations under the PHA Plan) are either not included or “reserved” in the PHA Plan template. These components will be added to the future releases of the template as they become active.

2.3 Status of Special Applications: Component 8 (Demolition/Disposition), Component 9 (Designation of Public Housing), Component 10 (Conversion of Public Housing to Vouchers pursuant to the Quality Housing and Work Responsibility Act of 1998 (the Public Housing Reform Act)) and Component 11a (Public Housing Homeownership activities)

Before undertaking any of new activities specified in components 8, 9, 10, or 11A of the Annual Plan, PHAs must submit and receive approval of an application from HUD. For demolition/disposition, designation, and conversion of public housing, and homeownership actions in public housing, such applications must be made to the HUD Special Applications Center (SAC). However, before or at the time the PHA submits a Demolition/Disposition or Conversion (pursuant to the Public Housing Reform Act) application to HUD, it must notify the public of its intent to do so through the relevant components of the PHA Plan. ***This statutory requirement applies to all PHAs, including those otherwise eligible to submit streamlined plans.***

All completed applications (those already approved by or submitted to HUD) must be made available as supporting documents to the Plan (see section 5 of this Technical Guidance). At their option, PHAs may submit *new* applications for demolition and/or disposition, designated housing, conversion and public housing homeownership to the HUD field office simultaneously as attachments to the Plan. As with all attachments, such new applications must be made available for public inspection along with the Annual Plan. ***However, the PHA’s official application(s) must be submitted to the HUD Special Application Center (SAC). Approval of the Annual Plan will not constitute approval of a simultaneous application.***

3. INSTRUCTIONS FOR COMPLETING THE PHA PLANS: GENERAL

3.1 General Instructions

Instructions for completing each component of the PHA Plans are embedded in the text of the PHA Plans template. PHAs should respond as instructed to all components and questions in the PHA Plans, unless instructed otherwise or the questions are not applicable to the programs operated by the PHA. Instructions in the PHA Plans text indicate which PHAs are exempt from an individual component or question due to streamlined status. PHAs should not delete any portion of the text of the PHA Plan template.

In some instances, PHAs may be required or wish to provide brief narrative responses to questions (usually indicated by phrases “[Provide Response Here]” or the terms “list” or “describe”). *Narrative statements typically need not exceed one or two sentences or a simple list.* In a few instances, HUD also specifies or offers PHAs the option to submit statements using a table (e.g., the Capital Fund Program Annual Statement). Several tables have been provided for a PHA’s use in a “Table Library” located at the end of the template file. These tables may be retained at the end of the document as an attachment and referenced in the response to the component, or cut and pasted into an appropriate component of a Plan.

While most instructions are embedded in the template, more detailed instructions and information have been provided in this document where warranted. PHAs must respond to all required information contained in these Instructions as well as on the template.

3.3.1 Formatting and word processing tips:

Where possible, HUD has provided fillable checkboxes and “fields” in the template. Where provided, PHAs may “double click” on the checkboxes, change the Default Value to Checked, then click OK. This will place an “X” in the checkbox automatically. PHAs can also simply type a response to checkboxes and text fields by “clicking” on them and typing as normal.

Where checkboxes and fillable spaces have not been provided, it is recommended that PHAs use the “insert” mode in its word processing software to “select” responses offered in the PHA Plan, or to provide information above an underlined space. Narrative and listed responses should not, however, be provided in insert mode, as the responses will overwrite text in the PHA Plans template.

Pagination and section labels, as well as the PIH form and OMB clearance number have been provided in the “footer” of the document. PHAs may customize pagination and section labels, but should not remove the form numbers. PHAs may customize headers as they wish.

3.2 Use of Attachments

In the instructions for completing the Plans in this document and in the Table of Contents for the Annual Plan, HUD has specified certain information that may be provided as an attachment to the PHA Plan rather than embedded in the main body of the PHA Annual Plan text, for example, Capital Fund Program Annual Statement Tables. All such attachments are considered to be **part of the PHA Plan** for purposes of public display, submission and review by HUD and all certifications that the PHA makes regarding the PHA Plan will extend to attachments.

Attachments should be provided at the end of the electronic template in the “Attachments” section if possible. However, PHAs may choose to submit some attachments as separate files to HUD. The PHA Plans website provides instruction on the naming conventions applicable to Attachment files. These instructions must be followed to ensure successful transmission of these files to HUD. All attachments to the Plan should be labeled (e.g., “Attachment A”) and listed sequentially in the Table of Contents.

3.3 Explanation of Supporting Documents

Supporting documents” are documents and exhibits that are made available with the PHA Plans for local inspection, but are not submitted to HUD for review. There are two kinds of supporting documents: “required” and “optional”.

3.3.1 Required Supporting Documents

In order to fulfill the Plan’s role as a comprehensive statement of the PHA’s policies and operations, HUD requires PHAs to provide documents containing such information for display and public inspection with the PHA Plans. A complete list of required supporting documents has been included in the Table of Contents of the Annual Plan. **All PHAs must have all of the listed supporting documents and must make them available for public review, unless the documents are inapplicable to the programs administered or the activities conducted by the PHA.** If the policies described in the PHA Plan are not reflected in the supporting documentation (for example, because the PHA does not plan to implement changes and amend its rent policies until after the issuance of final

regulations), the PHA **must** alert readers of this difference in the supporting documentation made available for review via a cover letter, indications in the documents or similar mechanism.

All required supporting documents are subject to normal HUD review and audit, but PHAs **do not** submit supporting documents to HUD as part of the PHA Plan and they are not part of the PHA Plan itself.

3.3.2 Optional Supporting Documents

PHAs are encouraged to include other instructive information for the public as optional supporting documents. Examples of optional supporting documents would include a comprehensive agency budget or maps displaying the location of proposed public housing redevelopment activities. Optional supporting documents must be listed in the Table of Contents, but will not be reviewed by HUD.

3.4 Requirements of Streamlined and Troubled Agency Plans

As stated in the February 18, 1999 Interim Rule implementing PHA Plans, the PHA Plans consist of a 5 Year Plan and an Annual Plan. This Interim Rule also permits high-performing and small, non-troubled PHAs, and those that operate only section 8 tenant-based assistance (“section 8 only” PHAs) to develop streamlined PHA Annual Plan submissions to HUD and permits HUD to require additional information of troubled and at-risk agencies of any size. (See 24 CFR Part 903.11 in the Interim Rule for definitions of eligible PHAs.)

Streamlined submissions for high-performing and small PHAs exempt eligible PHAs from submitting full statements in certain components of the Annual PHA Plan for HUD review. However, these PHAs must: meet public display requirements for all supporting documents that are applicable to the programs and activities administered by the PHA. A PHA that is both small and high performing may submit the streamlined Plan for high-performers.

The Streamlined Plan submission for section 8 agencies omits the components of the Annual PHA Plan that pertain solely to the operation of public housing. Under applicable law, section 8 only agencies are not eligible to submit high-performer plans.

PHAs that have been designated as troubled or at risk of being designated troubled must complete all components of a standard PHA Plan and may be required to submit additional information by their Troubled Agency Recovery Centers (TARCs).

The table below displays the components of the 5 Year and Annual Plan contained in standard and streamlined plans. Shaded areas of the table indicate components of the Plan for which a full submission is not required. Instructions in the PHA Plan template also indicate which components of the PHA Plan streamlined agencies do not have to complete.

Components of the PHA Plan Requiring Full Submission, by Type of Plan Key: X = Full submission required; Lined = Omitted from streamlined submission				
Component	Streamlined Plans			Standard Plans
	High-Performing	Small	Section 8 only	
PHA Identification Page	X	X	X	X
5-Year Plan (24 CFR part 903.5 (all components))	X	X	X	X
Annual Plan (24 CFR Part 903.7)				
i Executive Summary	X	X	X	X
ii Table of Contents	X	X	X	X
1. Housing Needs	X	X	X	X
2. Financial Resources	X	X	X	X
3. Policies on eligibility, selection and admissions	X	X	X	X
4. Rent Determination Policies	X	X	X	X
5. Operations and Management Policies			X	X
6. Grievance Procedures			X	X
7. Capital Improvement Needs	X	X		X
8. Demolition and Disposition	X	X		X
9. Designation of Housing				X
10. Conversions of Public Housing				X
11. Homeownership		Section 8 only	Section 8 only	X
12. Community Service Programs			X	X
13. Crime and Safety	PHDEP Plan only	PHDEP Plan only		X
14. Pets (<u>Inactive until final regulation issued</u>)	X	X		X
15. Civil Rights Certifications (included with PHA Plan Certifications)	X	X	X	X
16. Audit	X	X	X	X
17. Asset Management				X
18. Other Information	X	X	X	X
PHA Plan Certifications	X	X	X	X
Certification of Consistency with the Consolidated Plan	X	X	X	X

4. INSTRUCTIONS FOR COMPLETING THE PHA PLANS: CONTENT

General

Instructions in this section follow the order of the PHA Plans template. Text in italics are suggestions or examples, and are not required for submission.

Information provided in the Plans is to cover the period beginning with the upcoming PHA fiscal year, and PHAs may therefore report policies and activities that they expect to employ but may not yet have in place.

i. Annual Plan Type: Indicate the type of Annual Plan being submitted. Please contact the field office or TARC if you have questions regarding the type of PHA Plan the PHA is eligible to submit.

ii. Executive Summary: An Executive Summary is not required. PHAs may provide an Executive Summary at their option, however.

iii. Annual Plan Table of Contents: The Annual Plan Table of Contents includes listings of required and optional attachments as well as a comprehensive list of supporting documents. PHAs must indicate the availability of supporting documents by placing a mark in the “Applicable and on Display” column of the supporting documents Table of Contents.

Component 1: Statement of Housing Needs

1A. Housing Needs of Families in the Jurisdiction/s Served by the PHA

PHAs with multiple jurisdictions may combine the statement of housing needs for all jurisdictions or provide one table for each jurisdiction, coping this table as many times as necessary.

Definitions:

Race and ethnicity categories: To complete the table, PHAs should replace the categories “Race/Ethnicity” with actual race and ethnicity categories for any such groups with disproportionate needs in comparison to the needs of the category as a whole. The definition of disproportionate need for the PHA Plan is the same as that used in the

Consolidated Plan: disproportionate need exists when the percentage of persons in a category of need who are members of a particular race or ethnic group is at least 10 percentage points higher than the percentage of persons in the category as a whole. Use as many lines as necessary to describe such groups.

Income categories: These are defined as a percentage of Area Median Income (AMI) as adjusted by HUD. See 24 CFR, Part 5 for definitions.

Overall Needs: Total estimated number (or percent of all families in category) of each specified type of family with some housing need.

Other Characteristics of Need:

Rate the impact of the following characteristics of the supply of units on the creation/continuation of housing needs, from 1 - 5, with 1 being “no impact” to 5 being “severe impact”.

- **Affordability:** problems with rent burden (rent comprising greater than 30% of income) and/or severe rent burden (rent comprising greater than 50% of income)
- **Supply:** Shortage of units available for occupancy
- **Quality:** prevalence of units in substandard physical condition.
- **Accessibility:** lack of units that are accessible to persons with disabilities.
- **Size:** mismatches between units available and family sizes.
- **Location:** extent to which the supply of units available limits housing choices for families to particular locations, notably areas of poverty/minority concentration

Source of Information:

PHAs may obtain this information from the Consolidated Plan for their jurisdiction. PHAs that are not in a city or county with its own Consolidated Plan may include information from the Consolidated Plan for the State. PHAs whose jurisdictions encompass more than one Consolidated Plan jurisdiction should include information from all applicable Consolidated Plans. If the needs expressed in the Consolidated Plan do not accurately reflect the housing needs of families in the jurisdiction, PHAs may supplement Consolidated Plan information with other reliable data, stating the source of such data. See Section 6 of this document for a discussion of additional sources of information.

1B. Housing Needs of Families on the Public Housing and Section 8 Tenant Based Assistance Waiting List/s

PHAs should complete one PHA-wide table for each program-wide waiting list. While PHAs are not required to complete one table for each waiting list maintained, PHAs may choose to provide waiting list data for individual site-based waiting lists. PHAs are not required to change data verification procedures for the purpose of completing this table. PHAs should replace the categories “Race/Ethnicity” with actual race and ethnicity categories captured in PHA records. Use as many lines as necessary.

Component 2. Financial Resources

When stating the amount of grants made available to the PHA in its fiscal year 2000, the PHA must state the amount of the anticipated Federal fiscal year 2000 award. If the actual amount of grant and other resources is unknown at the time of Plan development, the PHA shall provide estimates based upon amounts made available in previous years or other information available to the PHA. In both Operating Subsidy and Tenant-Based Section 8 Assistance, state the amount to be awarded during the PHA fiscal year addressed in the PHA Plan. PHAs must estimate the amount of funds awarded in the Capital Fund or PHDEP programs as instructed in the applicable sections of this Technical Guidance.

Component 3: Policies Governing Eligibility, Admissions and Occupancy

For purposes of this Plan, until further notice, PHAs should use the requirements set forth in the April 30, 1999 *Proposed Rule on Changes to Admission and Occupancy Requirements in the Public Housing and Section 8 Housing Assistance Programs* as guidance.

A. Public Housing

(2) Waiting List Organization; c. Site Based Waiting Lists

PHAs proposing to implement new site based waiting lists must certify to compliance with the specific requirements for site based waiting lists on HUD-proscribed forms, and must follow all site-based waiting list requirements outlined in the Interim Rule, 24 CFR 903.7(c)(1).

Because this is the first year that site based waiting lists will be reviewed and approved in the PHA Plans, the PHA is not required to submit the annual assessment of changes in racial, ethnic or disability-related tenant composition at each PHA site. Such a submission will be required in subsequent years.

However, PHAs should draw necessary baseline data from MTCS at the commencement of their site-based waiting list policy in order to facilitate and support the required assessments at the conclusion of the first year of implementation.

(6) Deconcentration and Income Mixing

PHAs should not provide responses to section 6, Deconcentration and Income Mixing in the PHA Plan. If a PHA does respond to these questions, HUD will disregard these responses.

Component 4: PHA Rent Determination Policies

For purposes of this Plan, until further notice, PHAs should use the requirements set forth in the April 30, 1999 *Proposed Rule on Changes to Admission and Occupancy Requirements in the Public Housing and Section 8 Housing Assistance Programs* as guidance.

Component 5. Operations and Management

5C. Management and Maintenance Policies

(1) Public Housing

Guidance: Examples of management policies would include personnel policies, procurement policies, and asset disposition policies. Examples of maintenance policies would include the PHA's maintenance plan and schedule of maintenance charges.

Component 7 Capital Improvement Needs

7A. Capital Fund Activities

(1) Capital Fund Program Annual Statement

FY 2000 Capital Fund Submissions

The FY 2000 Annual Plan is the PHA's submission for receipt of Federal fiscal year 2000 Capital Fund formula grants (provided under section 9 of the U.S. Housing Act of 1937, as amended by section 519(a) of the Quality Housing and Work Responsibility Act of 1998 (USHA)). No separate public process will be required. In a separate notification, HUD will notify PHAs of any additional documentation that HUD will require prior to the commitment of FY 2000 funds. PHAs should not send any other Capital Fund documentation to HUD prior to issuance of such a notice, unless requested by HUD.

Until notified of their actual formula share of the Capital Fund, PHAs may use estimated funding amounts in developing this Annual Statement. PHAs that participated in the Comprehensive Grant Program in FY 1999 should base the estimate of funding available in FY 2000 upon the average of their federal fiscal year 1998 and 1999 grants. For PHAs that received capital formula funding for the first time in FY 1999 (former CIAP agencies), estimates should be based on 92 percent of the FY 1999 award (the percentage representing the average of the amount received in FY 1999 and the amount that would have been provided in FY 1998, based on that year's appropriation).

In preparing the Capital Fund Program Annual Statement, PHAs should be aware of the following information. Eligible expense categories are those specified in Section 9(d) of the U.S. Housing Act of 1937 (USHA), as amended by section 519(a) of the Quality Housing and Work Responsibility Act of 1998. Limitations of the use of Capital Fund grants are specified in section 9(g) of the USHA, including partial flexibility for Capital Fund amounts as specified in section 9(g)(1) of the USHA and full flexibility for certain PHAs operating less than 250 public housing dwelling units as specified in section 9(g)(2) of the USHA. PHAs are subject to the obligation and expenditure requirements of section 9(j) of the USHA, as well as current HUD requirements. Notwithstanding the provisions of part 9(j) of the USHA, HUD will still require PHAs to notify the public and HUD if they expect the obligation time frame for any amounts to exceed 18 months (see instructions for completing part III of the Capital Fund Program Annual Statement).

Completing the FY 2000 Annual Statement

Using parts I, II, and III of the Annual Statement for the Capital Fund Program (CFP), identify capital activities the PHA is proposing for the upcoming year. PHAs may complete this statement by using either the CFP Annual Statement tables provided at the end of the PHA Plan template. PHAs may also use any

properly-updated electronic version of the HUD-52837, Parts I, II, and III. If used, the HUD-52837 form may be submitted as a separate attachment to the PHA Plan.

On the Part I table, provide a program-wide summary of budget categories. On the Part II table, identify each development in which the PHA plans to conduct capital improvements and provide a brief description of the work planned, its estimated cost, and development account number. On the part III table, identify the estimated timeline for obligation and expenditure for each activity only. This estimate on the Part III table is required only if the timeline extends beyond the HUD's obligation (18 month) and expenditure (36 month) deadlines. In both Parts II and III provide a general description of any agency-wide activities after identifying each development-specific activity. (e.g., management improvements).

(2) 5-year Action Plan

PHAs must submit a 5-year Capital Fund Action Plan. This 5-Year Action Plan must include the following information for each large capital item, whether by development or PHA-wide, planned for the 4 PHA fiscal years following the fiscal year covered by the Annual Statement: development name, development number, description of the item or activity, estimated cost and planned start date of each item, and total cost of all large capital items per development. "Large capital items" are defined as:

1. Any work item that is 10% or more of the PHA's annual Capital Fund grant; or
2. Any work item that is \$1 million or more; except that, a PHA, regardless of its size or the dollar amount of the annual grant, is not required to report any work items that are less than \$25,000.

PHAs may include activities in addition to large capital items in the 5-Year Action Plan (e.g., management improvements) at their option. PHAs may also include information on the number of vacant units or percentage of vacancies in developments at their option, but this information is not required by HUD.

PHAs may complete this statement either by using the 5-Year Capital Fund Action Plan optional table provided at the end of the PHA Plan template or using any properly-updated (correctly identifying the Capital Fund as the grant program) electronic version of the HUD-52834. If used, the HUD-52834 form may be submitted as a separate attachment to the PHA Plan.

Special Case: PHAs with fiscal years beginning on January 1, 2000, or April 1, 2000, are not required to submit a 5-Year Action Plan for the Capital Fund in

their first Plans. However, these PHAs are strongly encouraged to submit a 5-year Action Plan for the Capital Fund as good management practice. Providing the public with notification of a range of work items that may be completed with available funding over the next five years will also minimize the number of substantial deviations from planned activities that would necessitate additional public approval processes, and may facilitate early release of funds in future years by establishing approved work items for such years

Component 12: PHA Community Service and Self-Sufficiency Programs

B. Services and Programs Offered to Residents

1. General

Examples of services and programs include: job training programs, education programs, child care, medical clinic, or employment office.

Resident Services Table definitions:

- **Program Name and Description:** self-evident; may include location, if appropriate;
- **Estimated Size:** number of families served
- **Allocation Method:** the manner in which the services are allocated, may be characterized as “waiting list” “random assignment” “specific criteria” or “other”
- **Access:** what organization/person should an interested person contact to obtain information about the program
- **Eligibility:** public housing residents, section 8 participants or both

2. Family Self-Sufficiency

In estimating the number of required participants, the PHA should consider any reduction in minimum program size resulting from attrition of participants the PHA expects to successfully complete FSS before the beginning of the PHA’s fiscal year. The actual number of participants at the time of PHA Plan development may include participants from HUD FSS programs conducted at the option of the PHA.

Component 13. Safety and Crime Prevention Measures

D. Additional information as required by PHDEP/PHDEP Plan.

General Guidance on PHDEP Plan Submissions:

In order to receive Public Housing Drug Elimination Program (PHDEP) formula funds for Federal Fiscal Year (FFY) 2000 and thereafter, PHAs must submit a PHDEP Plan with the PHA Annual Plan. PHDEP Plans must provide the information specified in 24 CFR part 761.21 (as reflected in the PHDEP Final Rule, published September 14, 1999), in a format specified and provided by HUD. HUD is providing the required format for the PHDEP Plan as a template file made available on the PHA Plans website (mentioned previously in this notice). This template file must be submitted as an attachment to the PHA Plan.

PHAs may use a reasonable estimate of anticipated funds if formula allocations are not known during plan formulation. For FFY 2000 funding under this section, PHAs should base estimates on the same amount of funding received in FFY 1999.

Special Case: PHAs with fiscal years beginning on January 1, 2000. PHAs with fiscal years beginning on January 1, 2000 are encouraged, but not required, to include the PHDEP Plan in their first PHA Plan. These PHAs may meet their PHDEP requirements in one of two ways: 1) submit a PHDEP Plan with this PHA Plan or 2) submit a PHDEP Plan in accordance with 24 CFR Part 761.21 and the HUD-provided format by April 1, 2000. For purposes of this FFY 2000 submission, PHA submissions of a PHDEP Plan by these PHAs will not constitute a substantial amendment of the PHA Plan.

A PHA that chooses to submit a PHDEP Plan **with** its FY 2000 PHA Plan may prepare such PHDEP Plans according to the guidelines specified in *Section III, Submission Requirements* of the May 12, 1999 Federal Register Notice *Withdrawing and Reissuing FY 1999 Notice of Funding Availability for the Public Housing Drug Elimination Program*, or use the PHDEP Plan template provided by HUD. Whether using the HUD-provided template or an alternative format, PHAs must submit the certifications referenced in section 4 of the PHDEP template instructions, below. (As mentioned in section 1.3 of this Notice, January PHAs that have submitted a previous version (7/99) of this certifications form, must submit the 12/99 version of the certifications as soon as possible so that their submission can be considered complete for purposes of approval of the PHA Plan.)

Specific instructions for completing the PHDEP Plan (in addition to those provided in the PHDEP Plan template):

This PHDEP template is provided as an 8 1/2" x 11" "portrait" document—a format conducive to viewing on the web. At the PHA's option, this template may be converted to a "landscape" version during completion so that certain tables can be widened. However, when converted to a PDF version on the web, such plans will be displayed in landscape.

Section 1: General Information / History

- A. If the actual amount of the grant is unknown, the PHA may estimate the amount of the grant award based on FY1999 final award.
- B. The applicant type should be based on eligibility status identified in the Final Rule, September 14, 1999.

Section 3: Expenditures /Obligation Milestones

Under the final formula allocation rule, a 'HA must obligate and expend funds in compliance with all funding notifications, regulations, notices, and grant agreements. In addition, the HA must obligate at least 50 percent of funds under a particular grant within 12 months of the execution of the grant agreement, and must expend at least 25 percent of funds under a particular grant within 12 months of the execution of the grant agreement.'

This section indicates how the PHA plans to comply with the regulatory requirement to obligate 50 percent of the total grant within 12 months of execution and expend 25 percent of the total grant within 12 months of execution. Your plan must indicate on what activities you will expend and obligate, 25% and 50%, of PHDEP funds, respectively, by budget line item.

Section 4: Certifications

A comprehensive certification of compliance with respect to the PHDEP Plan submission is included in the 12/99 version of the "PHA Certifications of Compliance with the PHA Plan and Related Regulations." This certification includes an assurance that the PHA will maintain and have available for review/inspection (at all times), records or documentation regarding: baseline law enforcement services; consortium agreement/s under 24 CFR 761.15; partnership agreements and services; coordination with other law enforcement efforts; agreement(s) with local law enforcement agencies; and crime statistics.

Each of these items is a supporting document for the PHA Plan, and must be made available accordingly.

18. Other Information required by HUD

B. Resident on the PHA Board

For purposes of this component, PHAs should follow the *Public Housing Agency Organization; Required Resident Membership on Board of Directors or Similar Governing Body; Proposed Rule* which was published in the June 23rd, 1999 Federal Register as guidance.

C. Description of Consistency with the Consolidated Plan

If the PHA operates in multiple Consolidated Plan jurisdictions, the PHA must provide a separate consistency statement for each one. Copy the questions provided as many times as necessary.

19. Definition of “Substantial Deviation” and “Significant Amendment or Modification” [903.7(r)]:

PHAs must define the terms “Substantial Deviation” and “Significant Amendment or Modification” by stating the basic criteria for such definitions in an annual plan that has met full public process and RAB review (see Final Rule 903.7(r)(2)). Neither January nor April PHAs will be required to include these descriptions in their first PHA Plans; however, they may wish to do so.

Until the PHA has met the requirement to define “significant amendment or modification,” HUD will consider the following actions to be significant amendments or modifications:

- changes to rent or admissions policies or organization of the waiting list;
- additions of non-emergency work items (items not included in the current Annual Statement or 5-Year Action Plan) or change in use of replacement reserve funds under the Capital Fund;
- additions of new activities not included in the current PHDEP Plan; and
- any change with regard to demolition or disposition, designation, homeownership programs or conversion activities.

An exception to this definition will be made for any of the above that are adopted to reflect changes in HUD regulatory requirements; such changes will not be considered significant amendments by HUD.

The PHA Plan template issued pursuant to the Interim Rule does not include a space for such definitions. Therefore, PHAs choosing to do so must submit these definitions as an attachment to the PHA Plan.

Table Library

Contents of Table Library (in order of appearance):

- Capital Fund Program Annual Statement, Parts I, II, and III (Component 7A)
- Optional 5-year Action Plan for Capital Fund Program Table (Component 7B)
- Optional Public Housing Asset Management Table

Explanation of the use of each of these tables is contained in the content instructions for the corresponding Plan Component, with the exception of the Public Housing Asset Management Table. Instructions for completion of that table are provided below. Before submitting the PHA Plans to HUD, PHAs should delete any unused tables in the Table Library.

Optional Table: Public Housing Asset Management

The template's table library provides an optional table for Public Housing Asset Management. It can be used to represent many development-specific activities such as capital improvements, demolition, homeownership, etc. While this table is not required, PHAs may find completing it is less burdensome than including the information under each element. In addition, the table provides the public a clear picture of the PHA's planned activities and should be especially helpful to inform residents of the activities the PHA's plans for their development.

This table may be used to satisfy the requirements of Components 8, 9, 10, and 11A. To satisfy the requirements of these sections, the PHA must supply the information in each of the Activity Descriptions for those sections, except those in "Block 1" of each Activity Description. PHAs may repeat information provided in section 7 on the table in order to provide a clear picture of activities to the public, but the table may not substitute for the completion of component 7A. PHAs may also provide a description of asset management initiatives to improve the viability of the development, such as project-based budgeting or private management, that could have been provided in Component 17. Because the table has a specific column for development identification information (name, number, location), that information should not be included in each box. (Agency-wide initiatives under components 7 and 17 should be identified as such.)

In completing the table the PHA should list the activity under the category it best fits based on the type of activity, not the source of funding. For example, HOPE VI activities that include demolition of public housing and development of mixed income housing should be listed both under demolition and development/replacement. If the PHA chooses to use the table, it should use the term “not applicable” or “NA” for any activity category that it is not applicable to a given development. It should use the term “component not applicable” or “CNA” for any activity category that does not have to be described because it not required for the agency’s streamlined plan.

5 CERTIFICATIONS

General

The certification forms provided apply to both the 5 Year and Annual Plans, and should be completed as such.

PHA Plan Certifications

These certifications must be completed on a HUD-prescribed form.

State or Local Government Certification of Consistency with the Consolidated Plan

The State or Local certification of consistency must be made by the appropriate state or local officials that the PHA Plan is consistent with the Consolidated Plan/s. If the PHA is located in more than one jurisdiction, it must include a certification from each appropriate official. PHAs must use the form provided for this statement.

See Section 6 of this document for additional guidance on ensuring consistency with the Consolidated Plan.

Additional Certifications Necessary for the Receipt of Grant Funds

In order to receive federal funds under the Capital Fund and PHDEP grant programs, PHAs must complete and submit certain certifications in addition to the “PHA Certifications of Compliance with the PHA Plans and Related Regulations” (PHA Plan Certifications) and “State or Local Certification of Consistency with the Consolidated Plan.” These include certifications with regard to a drug-free workplace and restrictions on lobbying. PHAs should submit signed, original copies of all applicable certifications and disclosure forms by mail to the local HUD office.

For receipt of Federal Fiscal Year (FFY) 2000 funds, PHAs must provide the following certifications:

- Form HUD-50070, Certification for a Drug-Free Workplace
- Form HUD-50071, Certification of Payments to Influence Federal Transactions
- Standard Form SF-LLL and SF-LLLa, Disclosure of Lobbying Activities (where applicable)

6 SUPPLEMENTAL GUIDANCE FOR PREPARING PHA PLANS

Inter-Agency Collaboration on the Plan

Although PHAs are not yet able to form HUD-recognized consortia until the issuance of guidance implementing those provisions of law, PHAs are encouraged to cooperate and coordinate activities to achieve efficiencies in operations and eliminate duplication of local efforts. For example, PHAs may begin immediately to work together on a regional basis to formulate coordinated strategies to address the needs of the families they serve.

Ensuring Consistency with the Consolidated Plan

PHAs are strongly encouraged to engage in collaborative and cooperative efforts with appropriate Consolidated Plan agencies in developing the PHA Plan and the strategies described within. In addition, PHAs are encouraged to participate in any discussions held by the local jurisdiction in the development of the Consolidated Plan, which is being updated in FY 2000.

Collaborative efforts will assist both PHAs and Consolidated Plan agencies in developing better plans and fulfilling statutory mandates. PHAs are required to obtain a certification of consistency from the Consolidated Plan agency with regard to the PHA Plan. Early communication will facilitate that process. In addition, the Consolidated Plan may serve as the best source of information required to develop statements of housing needs of families in the jurisdictions they serve. PHAs that identify family housing needs not already addressed by the Consolidated Plan, should work with the responsible agency to ensure that such analyses are fully representative of the communities they serve.

Consolidated Plan agencies will also benefit from the input of PHAs. The Public Housing Reform Act has strengthened the ties between the Consolidated Plan and PHAs. Consolidated Plan agencies are now required to state how they will address the needs of public housing. Consolidated Plan agencies that share a jurisdiction with troubled agencies are further required to state how they will help improve the performance of such

agencies. This can be done by working with the troubled agency and HUD representatives to identify and address key strategies for the recovery of those troubled PHAs.

Resources for identifying the housing needs of the jurisdiction

In completing this section, PHAs should use the most recent, accurate data on housing needs available to them. While PHAs are welcome to undertake studies of the housing needs for families, they are encouraged to first identify all potential sources of information that are available to them. Some potential sources of this information are listed below.

The Consolidated Plan of the Appropriate State or Local Jurisdiction(s): The primary source of data for this Plan element may be the most recent Consolidated Plan of the jurisdiction or jurisdictions served by the PHA. The Consolidated Plan agency's analysis of its housing market and needs should be based upon HUD-provided U.S. Census data (referred to as the Comprehensive Housing Affordability Strategy or "CHAS" data) and/or other reliable sources identified by the jurisdiction, such as consultations with service providers and organizations.

State and Local Governments: In addition to providing PHAs with copies of the Consolidated Plan, jurisdictions may be able to provide PHAs with other sources of information for conducting analyses of the housing needs of the jurisdiction. For example, the jurisdiction may provide maps and other data displaying relevant housing market information--such as percentage of units available at the fair market rent level--across the jurisdiction.

Census and other survey data: One potential source of housing needs data is the CHAS data mentioned above available for PHA use. This data, based on the 1990 Census, provides estimates of housing needs stemming from worst-case housing needs (rent burden and substandard housing) for families of various income levels and types (small/large/elderly/families with disabilities/renters/owners/various races and ethnicities). This data was distributed by HUD to agencies that developed a CHAS in 1994, and may be available from these agencies today. Another source of data for selected communities is the American Housing Survey, available through the HUD Internet Homepage (<http://www.hud.gov>).

PHA Program Data: PHAs are likely to gather information upon which to support a housing needs analysis in the normal course of business. For example, data gathered to support rent reasonableness studies and the establishment of flat rents and payment standards are likely to provide insight into housing needs created by factors such as

affordability, supply and even size of units. PHAs using program data in their analysis should make sure to document it so that it may be put on display with other housing needs information.

HUD: HUD is striving to make additional resources available to PHAs to assist them in these analyses. As data becomes available, notices will be published on the PHA Plans website. PHAs should check into the website frequently for this and other news regarding the Plans.